

**Idaho Fish and Game Commission  
Quarterly Meeting – Jerome, Idaho  
November 16-18, 2005**

**November 16, 2005**

The meeting was called to order at 1:20 p.m. Commissioners Gibbs, Irby, McDermott, Power, Watts, Wheeler, and Wright were present.

**Workshop – Wildlife Management Areas**

Jeff Gould, Habitat Program Manager, presented an overview of the Department's WMAs (Appendix 38, Exhibit 92).

The Department has broadened its scope for WMA management over the last 15 years using diverse funding sources. In 2002 an updated Vision Statement was developed with regional staff. The current Vision Statement is overarching; however, individual WMAs around the state develop their own goals and objectives.

There are 32 WMAs in Idaho whose functions include providing places to hunt, trap, fish, and watch wildlife; wildlife production; mitigation for lost habitat; refuges to maintain or improve hunting; and long-term protection of at-risk fish and wildlife habitat. The mitigation function has been increasing in recent years.

Hunting and fishing accounts for 60% of the use on WMAs. A Panhandle Region survey showed that their WMAs experienced 300,000 user days and had an economic impact of \$17 million. Chairman Gibbs commented that this information will be important in convincing legislators that the Department's land acquisitions provide a significant return.

The budget for managing WMAs was \$17.8 million for Fiscal Year 2004. Maintaining current WMA operations cost the Department \$5.5 million in Fiscal Year 2005. Of that, about half was for personnel expenses, and slightly less than half was for operating expenses. Capital expenses are mainly large equipment purchases. The main sources of funding include license revenue and Pittman-Robertson Federal Aid (PR). The apportionment for Idaho is about \$4 million for wildlife. The money is used for coordination and administration, operation and maintenance, acquisition and development, and survey and inventory. In addition, Idaho HB530, passed in 1974, sets aside \$2.00 from every hunting license for habitat acquisition and development. Spending has been about 80% for acquisitions and 20% for operation and maintenance.

The Department spends a significant amount of money on weed control. Mr. Gould served on the state's Strategic Weed Management plan. The Department is working on planting shrubs and trees to enhance WMA habitat. Future direction for WMAs involves a greater degree of wildlife recreation, providing protection for important fish and wildlife habitat, and providing landowner assistance. Challenges include financing future expansion, improving public involvement, and inspiring innovation.

Mr. Gould provided the Commissioners with a binder of information on WMAs around the state.

Commissioners discussed whether the Department needs to limit the amount of opportunity per day on high-use WMAs. Mr. Gould indicated the Department has started releasing pheasants before the public is allowed on selected WMAs. Day opener has also been moved to 10:00 a.m. to eliminate the problem of pheasant hunters interrupting duck hunters early in the morning. In the Southwest Region, the Department is looking at limiting the number of hunters per day. Other considerations include requiring hunter orange and limiting steel shot.

Commissioners also discussed the need to re-prioritize the use of WMAs based on the location and the function. Considerations include how to determine the number of hunters allowed, how reservations are made, and what the focus of each WMA will be. Costs to manage these WMAs for specific purposes will increase. The Commission and Department will need to consider the economic impact.

Commissioner Watts commented that with all the planned new developments in Ada County, the Commission will need to address the priorities including whether to buy land that the Department may or may not be able to manage or to enhance the land the Department currently has and expand WMAs. The Department needs to inventory its land holdings and decide on a plan for the future. He feels that the Southwest Region needs to explore recreational hunting and how to expand those opportunities and that the Department should consider the needs of each Region and the individual WMAs.

Commissioners agreed that working with private landowners is critical in keeping land available for hunting and fishing. They also concurred that there should not be a “one-size-fits-all” approach to WMAs.

Commissioner Watts suggested starting with top-level policy questions: Should the Department focus on improving the land it has or acquiring additional land? Where does the Department get the money? From there, research within each region should be conducted with constituents to see what they want.

The Director commented that prior to 1990, the wildlife area managers were farming the WMAs. However, the Commission and Department moved to less intensive management, less acquisition, and more emphasis on enhancing private land efforts such as the Pheasant Initiative, Mule Deer Initiative, and CRP.

Commissioner Watts asked for a commitment to address the top two policy questions and a plan to move forward.

The workshop recessed at 3:40 p.m. to allow Commissioners and staff time to visit the Hagerman WMA.

### **Public Meeting**

Chairman Gibbs called the meeting to order at 7:03 p.m. The Chairman welcomed those in attendance and introduced Commissioners Power, Wright, Wheeler, Irby, Watts, and new Panhandle Commissioner Tony McDermott. The Director gave an overview of the action items for the meeting including setting non-resident deer and elk tag quotas and outfitter set asides, Access Yes drawing application procedures, a land acquisition, fishing regulations, and election of a new chair and vice chair. The Director introduced staff from headquarters and the region.

Nate Helm, Executive Director of Sportsmen for Fish and Wildlife (SFW), welcomed Commissioner McDermott. Mr. Helm commented on wolves and thanked the Department for its efforts thus far. He asked that wolves remain a top priority. The Department must lead in collecting data and bringing partners to the table. Second, SFW asked that the Mule Deer Initiative remain a top priority. SFW advocates a reduction in non-resident deer tags to improve mule deer population. Mr. Helm reaffirmed SFW’s support for changing the LAP program if it provides benefits to sportsmen. With respect to a bonus point system, SFW supports the Commission’s efforts to improve opportunities and satisfaction for hunters. Mr. Helm expressed his disappointment that he was not able to review the bonus point survey questions prior to their distribution.

Doug Schleis spoke on behalf of Idaho Walleye and thanked the Department for its cooperation and efforts on volunteer projects. The group is in favor of a size limit in Oakley, Oneida, and Salmon Falls Reservoirs. They are concerned about the mercury content in walleye and want to protect big broodstock. Mr. Schleis suggested that the Department have a meeting a week or two prior to the Commission Meeting on the workshop topics and invite an open meeting in the evening and post more clearly what the workshop will be.

John Andoe stated three areas of concern: the Department's wolf management program, the need to control or reduce number of non-resident tags, and the Access Yes! drawing.

Rusty Tewes spoke on behalf of Scott Allan, President of SFW, Idaho. He asked the Department to maintain a 110% effort on the Mule Deer Initiative. SFW supports changes in LAP if they result in direct benefit to sportsmen, e.g. increased access and improved habitat. SFW supports a consistent, general deer opener, but it needs to coincide with school in-service days. Recruitment of the younger generation is important. SFW feels that chukar season should be extended to the end of January from the end of December. They are not opposed to a later opening. SFW asked the Department to use all legal tools to manage wolf populations. SFW urged the Commission to review the age limit for upland game birds and change it back to 12 years old.

The Director commented that he has talked to school superintendents and wrote a letter to Dr. Marilyn Howard, Director of Department of Education, regarding school in-service dates. Dr. Howard replied that the Department of Education does not set in-service dates. These are set by school districts. The Department has heard significant feedback and will consider it.

Carl Nellis with the Idaho Wildlife Federation (IWF), thanked the Department for youth hunting opportunities. IWF supports more money for the Access Yes! program but opposes the sale of tags. They are aware of abuses, including marketing of tags and would like this problem investigated. Regarding bonus points, IWF feels the current controlled hunt system treats everyone equally. They don't want to see young hunters penalized or the creation of separate classes of hunters. IWF is opposed to a super preference or the purchase of points and feels it would lead to rewarding the rich and away from wildlife that belongs to everyone. The IWF has not taken a position on the change in age from 12 to 10 years old. There is some concern over going from 15 to 17 year olds classified as youth, since once a person has a driver's license, there is less of a tendency to hunt with an adult.

Phillip Mai spoke on behalf of Mini-Cassia bass club. Milner Reservoir is one of best bass fisheries in the Northwest and holds a lot of tournaments. The club has monitored the fish and can't see that the tournaments are hurting the fish. They would like to see the regulations stay unchanged until there is a documented problem. Limiting tournaments to once a month won't change anything. Bass clubs have four tournaments on Milner with about 40 boats. That is not too many, and there is plenty of room. He also would like to see the gray partridge season changed to coincide with the opening of pheasant season.

Gary Tussey, with the local chapter of SFW, spoke on the chukar season. He asked the Department to consider a later opening and closing date for chukar season of mid-October through January 31 instead of mid-September through December 13. Idaho is part of the Western Alliance of Game and Fish, and Nevada, Oregon, and Washington seasons open mid-October and run through January 31. A later opening date would be more beneficial to the birds. He feels there needs to be a statewide opening and closing. It would save printing costs and be less confusing to the public.

Dale Jarrell spoke as a member of Magic Valley bass clubs. He has concerns on the number of bass tournaments on Milner Reservoir. Clubs have kept records to show the impact of the change in size limits, and Milner is a healthy bass fishery. They are willing to cooperate to keep the tournaments intact and can provide information and keep staff informed. He thanked Department staff who have helped with projects.

Jack Oyler spoke regarding hunting heritage in Idaho. The most important link to continue Idaho's fishing and hunting heritage is access to private and public lands. If the public can't get in, they can't fish, hunt, or recreate. This is due to locked gates on private and public land. People need to get involved to address this issue. In this area, there have been efforts to open access, and they have had great cooperation from Dave Parrish and staff. He feels RS2477 and other federal laws provide for legal access. He is asking for action in the upcoming legislative session and has been working with JoAnn Wood to write legislation to protect highway districts and county commissions who try to open the roads from lawsuits. He asked for the Commission's support of that effort. Commissioner Watts mentioned that the 8<sup>th</sup> Circuit Court ruled that County Commissions can open roads that have not been used for 10 years. Mr. Oyler commented that roads must be validated by County Commissions.

Orval Rice spoke about wolves. He commented that wolves came into his hunting camp after his horses, and the elk and deer herds are wiped out. He would like to see some action.

Robert Baugh is a small cattle producer in North/Central Idaho. He deals with wolves on a daily basis and it has gotten to be a real problem, and they need help. Runs cattle on private ground near Challis in the summer, and he is considering changing his cattle operation because of the wolf problem. He also commented about his elk hunt that was overrun with wolves. There are studies on the impact of wolves, and something needs to be done or people won't buy licenses.

Ben Collins with Magic Valley Fly Fishers spoke on continuing a quality, trophy fishery at Mormon Reservoir. The Department is thinking of increasing the limit from 2 to 6, but he would rather have 2 large fish than 6 small ones. The problem is water. It is a boom and bust fishery. He asked the Commission not to change direction now.

Byrd Golay urged the Commission to do something about the wolf problem. Wolves are decimating state herds, and it has a huge economic impact. He commented that hunting was terrible. Mr. Golay commented that it is the Commission's moral obligation to do something about wolves. The Commission and Department need to work with the Governor on the issue. He commented that lions are also a problem. Mr. Golay urged the Department to initiate winter feeding of elk and deer sooner before the snow gets too deep.

Seyler Hill spoke on behalf of Magic Valley bass masters. He asked the Commission to leave things as they are. His group has done a lot to produce a trophy bass fishery, and they can't see that the tournaments are hurting the reservoir. The group would like more cooperation with Fish and Game on planting fish and on access. He also asked the Department to continue to promote youth opportunities. Mr. Hill thanked the Department for regulating fisheries around the state and working well with constituents.

Ron Hite, chair for state Mule Deer Foundation, talked about efforts to raise bitterbrush in the Valley's High Schools. He would like to see the Boise area do the same thing. He commented that last year's National Mule Deer Foundation banquet, brought in \$165,000 for one deer tag. If Idaho created a Governor's tag, that money could be used for habitat projects. Commissioner Wright thanked Mr. Hite for all his efforts.

Clay Jones, a rancher in Challis, commented that he will lose his business if something isn't done about wolves. Ranchers need some way to protect themselves or wolves will destroy the cattle industry. He was born in the Challis area and has seen the elk herd go from 150 to 25 head. He would like to see wolf control addressed by the Commission. Commissioner Wheeler asked if Mr. Jones would be able to kill wolves if he had the right to do so. Mr. Jones indicated that they are elusive, and there are not many opportunities to get them. There were as many as 70 wolves counted in Panther Creek and Morgan Creek this year. No one knows how many are out there.

Shad Scouten from Filer has hunted in Unit 28 for years and has seen the elk herd decline. Now they see more wolves than elk, and they find a lot of dead elk. He would like to see Idaho Fish and Game take a stand like the Wyoming Fish and Game did. He feels wolves should be shot like coyotes. He would like to see something done for the deer population on the Big Lost and Little Lost. Mr. Scouten would also like Fish and Game to do more to control four-wheelers. The travel plan map isn't good because it isn't understandable. Fish and Game should work with the Forest Service to address this. He would like to see check stations be more informative.

Lin Whitworth, from Inkom, Idaho, asked the Commission to give more consideration to who owns the wildlife in the state of Idaho. He believes it belongs to the citizens, and the majority of people don't believe we should sell wildlife. Mr. Whitworth pleaded with the Commission to drop the LAP discussions. He also asked for clarification on the Department's policy on handicapped permits. He had a friend who had a heart attack in the courtroom regarding a citation he got from Fish and Game for shooting from a vehicle. The Director clarified that the shoot from a motor vehicle permit allows a permit holder to shoot from the vehicle if it is off the road. The Director will send clarification on what constitutes being off the road.

Dan Hansen, Mule Deer Foundation Chair for Magic Valley, spoke in support of ranchers who are being hurt by wolves and people who have lost hunting opportunity due to predators. He advocates more predator control. He would also like to see harsher penalties for four-wheelers which destroy habitat. Mr. Hansen also commented that the deer population doesn't warrant the number of tags available. He also asked why best practice strategies to recover deer populations in other states aren't being used in Idaho. He commented that Fish and Game does a good job, but people want their children to have the experience in the future. Mr. Hansen thanked the Commission for their time and dedication and commented that the Foundation is willing to help in any way they can.

Commissioner Wheeler asked Mr. Hansen how he felt about the Mule Deer Initiative. Mr. Hansen didn't feel he knew enough about the MDI to comment. He was disappointed in his hunt in Blackpine and in the South Hills. Deer and elk herds are hurting. If you lose habitat, you lose the herds. There are things that can't be controlled, but the Department can control four-wheelers and the number of tags available.

Chairman Gibbs thanked the attendees for their input. The meeting adjourned at 9:00 p.m.

### **November 17, 2005**

## **MISCELLANEOUS**

### **Opening Comments**

Chairman Gibbs called the meeting to order at 8:05 a.m. Commissioners Watts, Wheeler, Power, McDermott, Wright, and Irby were present.

### **Agenda Changes**

Item 22 a. follow up on the WMA Discussion was added, and Item 25a. report from the Subcommittee on Disabled Licenses was added.

### **Review of Public Comment**

The Chairman noted that the predominant theme was wolves, but that the Department does not have authority yet to take the actions the public is demanding. Commissioners agreed that there is a lack of knowledge about what we can do. The Director commented that the Department could do a better job of getting information out about what we can and cannot do but noted that the Wildlife and Communications Bureau staff has put out a tremendous amount of information.

Commissioner McDermott commented that he has heard more on wolves than any other topic since becoming a member. He was interested in the comments by former Senator Whitworth on the handicapped man who was ticketed for shooting from the road. He is interested in talking with Conservation Officers about how they decide to issue tickets.

Commissioner Wright commented that he would like to see the Department support Jack Oyler's efforts on RS2477.

Commissioner Power commented on the Mule Deer Foundation members who are working with high school students to plant bitterbrush. The Department should support those efforts and consider how to expand the Vo-Ag partnerships.

## **DIRECTOR'S REPORT**

The Director reported that the Department of the Interior held a press conference on November 15 to announce the de-listing of Yellowstone grizzly bears. Officials gave the states credit for doing what needed to be done to sustain the population and put together conservation plans.

The Director reported that Greg Schildwachter has just moved from Senator Crapo's Staff to the Council on Environmental Quality at the White House. He talked to the Director about visiting with the President about rolling out the State Wildlife Grant program and making incentives for the states to continue cooperative conservation efforts such as the Kootenai Valley Resource Initiative, Pheasant Initiative, and Elk Collaborative. The process is in place and the funding is on the way. The Director and Jim Caswell of the OSC can now go to the Legislature and get them on board with the state taking a more proactive role in rare species conservation before we get to listing.

The Sage Grouse Advisory Committee has finalized the statewide conservation plan, which is now out for public comment until mid-December. Comment will be incorporated, and the plan will be presented to the Commission for endorsement.

The Director will be in Denver on Monday, November 21, for a meeting on high desert sagebrush/steppe conservation effort to address sage grouse and other rare species in that habitat. That will be a priority in the state wildlife grants process.

The Director provided Commissioners with a copy of Aldo Leopold's book on the Southwest.

One of the Director's priorities has been communications, and he commended the Communications staff for their efforts. The tabloid news magazine is going well. The Idaho Conservation Officers Association is now publishing a magazine. Roger Fuhrman has been approached by a publisher in Boise to do a glossy magazine for the Department, and the Director will bring a proposal to the Commission. The proposal allows the Department to retain oversight of the advertising.

The Director asked Doug Schleis to update the Commission on the Sportsmen's Caucus Advisory Council's efforts to get information out to sportsmen. Mr. Schleis reported that the SCAC is starting a bi-weekly newsletter called "Wild Idaho News," and that 10% of net proceeds will go back to the clubs and to fund a conservation award at the end of the year. It will be distributed statewide. They are starting with 6,500-8,000 paid subscriptions. The goal is 15,000 or more.

The Director noted Commissioner McDermott's comments on the Enforcement program. He pointed out the statistics in the Director's report on the Enforcement Bureau's efforts and the number of citations and warnings issued. Commissioner Watts commented that he recently went out with the Conservation Officers and it changed his perception. His view now is that they let more people go than they should. They show a lot of discretion.

The Chairman noted that under Agenda changes, Item 19 Executive Session will include a legal briefing, a land acquisition discussion, and a personnel issue.

## **MISCELLANEOUS**

### **Commission Reports**

Southwest Region. Commissioner Watts reported that Region 3 has put together an information piece on mule deer which will be distributed at check stations. He commented that he was surprised by stories at the public meeting about poor hunting. Region 3 has had a banner year for hunters. He shared photos of some of the big deer taken in Unit 39 this year. There is about a 31% success rate for deer and elk combined (compared to 22% last year). The number of mule deer taken to date is 827 compared to 667 last year. There are good reports from outfitters who have had good years. Sage grouse reporting was up this year, but that causes concerns about take. The Region has had some major Enforcement efforts targeting out of state poaching rings. Bird hunting has been phenomenal. Grouse are the only thing that are down because they

suffered from the wet spring. Commissioners Watts and Wright have been working on the disabled license issue.

Magic Valley. Commissioner Wright reported that the Magic Valley Region also had a lot of hunting success with 30-40% success rate. The deer and elk taken were in good condition. The MDI is coming along well. There has been a lot of work in the Southeast part of the Region, interseeding shrubs with CRP. Over 10,000 bitterbrush plantings were done this week. Staff has completed the first draft of the mule deer plan. Abundance of big game has been reported, and wolf sightings have been down. Poaching has been a larger issue. The Region is dealing with lots of antelope, and about 400 have moved onto private property between Bliss and King Hill. The Region is using depredation hunts as an opportunity for returning service members. Bird hunting has been good. The sage grouse success rate was double past years. Chukar numbers are at their highest in the last decade. Angling has been interesting as the Region is dealing with low water levels. The Region is looking forward to a good year in 2006.

Salmon Region. Commissioner Power reported that it has been a good harvest year particularly on mule deer. The season is longer by 4 days, and numbers are up. Taxidermists are busy because there have been so many big bucks. The abundance of big animals is probably due to the Panther Creek area burn and weather. A transplanted bull scored 355 and another was a 378. Waste this year is up. When animals are more available, people waste. At least 3 bulls have been shot and left except for antlers. Steelhead fishing has been really good. The other main issue in the Region is the growing problem of town deer. The Region is working with the City Council to come up with ways to alleviate those problems. Some people are feeding the deer, but others don't like them. A highlight this fall was helping with the Region's youth pheasant hunt. He recently met with County Commissioners in Lemhi and Custer Counties and with the Lemhi Horse Growers. They are concerned about the number of does and fawns and deer on the road and the number of accidents on the main roads.

Upper Snake Region. Commissioner Wheeler reported on the brucellosis incident in Teton Basin. If there is one more herd, the state will lose its brucellosis free status. The ranch where the incident occurred is close to Rainey Creek where the Department has an elk feeding ground. Since the Department started to trap, transplant, and slaughter, the incidence of brucellosis in that herd has declined drastically. The rancher who had the incident has not been vaccinating, and those in the livestock industry there feel the rancher is somewhat responsible. The Region is the repository for the majority of shooting preserves, and they need to get agreements in place with operators and get help from the Department of Agriculture. Deputy Director Mansfield reported that the Department has signed MOUs on domestic cervid operations with Mr. McGrath at Pine Mountain and with Gary Queen in the Panhandle Region.

Mule Deer Initiative efforts recently included planting in CRP and food plots. Deer numbers are up, but the Region doesn't have the quality found elsewhere. People are seeing more deer, and there is a good feeling about what's going on.

The Region has made changes to keep elk out of Tex Creek, but they are approaching a problem with the number of elk. If there was a tough winter, there would be problems. Sharp-tail grouse hunting was excellent. Things are going well.

Commissioner Wheeler reported that he was contacted by a student from George Mason University who is doing her doctorate on the ESA. One of her professors was instrumental in drafting the ESA, and it was interesting to listen to her thoughts on how the ESA has been applied. She sensed that people in the West feel deceived by the federal government and said that even those who were involved in its inception have been disappointed in how the ESA has been applied in such a strong regulatory way. She will send Commissioner Wheeler a whitepaper when she is finished with her thesis.

Clearwater Region. Commissioner Irby reported that fishing is excellent. There is a new motel built in Orofino and it is completely filled. The Region's youth clinics create a lot of positive feedback. The Commissioner attended the Nez Perce Tribe Executive/IDFG meeting this fall. The Tribe has not decided how to manage their mitigation plans and what to do with their big horn sheep tag in Unit 11. Commissioner

Irby recently met with Potlatch Corporation and the Advisory Committee on land access issues. They are enthusiastic about becoming partners. Potlatch and ATK (Speer) are discussing sponsorship of a new Clearwater Shooting Range. ATK is developing a lead-free primer, which they would like to test in the new range. The Myrtle access turnbay has the last piece of funding in place. IDFG, BLM, and Nez Perce County should consider a dedication with legislators when the project is completed. Officers have been working long hours, and the Region has had multiple waste cases. The Kamiah Pond exchange including buildings with Flying B has been settled. The pond will have perennial public access plus a storage building. The last two sportsmen's breakfasts have been held at the new Regional office. Hunter success is running around 20% while hunter use is down with early backcountry snows. There are still issues in the Lolo Zone. The Forest Service is finally coming along, and they have burned a lot of acres this fall. The Region has predator issues. Sportsmen in Clearwater are better educated on the issue than those in some parts of the state.

Panhandle Region. Commissioner McDermott, thanked the Department for welcoming him on board and taking care of him. They have done a great job. The Region does a good job of communicating with the public and helping the public understand the Department's position on issues. The Region just completed a timber sale on the boundary of the Farragut Range, and the Department has educated legislators and people about the Range. Positive comments are outweighing negative. Hunting success is up due to mild winters. Elk numbers may set a record this year. The white-tailed deer population is doing well. They are everywhere, and deer hunters are happy. The Commissioner has heard a lot about wolves from legislators. Wolves are prevalent in the Region only the St. Joe and Priest Lake. Wayne Wakinen is working on Grizzly Bear Conservation. The Commissioner attended a Kootenai Valley Resource Initiative meeting. The Commissioner is on the board. The organization was formed because of ESA. Bonners Ferry and Kootenai County are very affected by the ESA. The Commissioner was impressed with the process. The Commissioner also attended fish club meetings regarding Lake Pend Oreille and the issue of kokanee recovery. The Commissioner plans to do trap netting with staff. Enforcement has been working on four illegal moose kills. The Water Life Center will be a great communication tool for the Department. The Center has had \$130,000 in development this year through donations, and landscaping has just been completed.

Southeast Region. Chairman Gibbs reported that deer and elk hunting were better than the last two years. It is exciting to see carryover water in reservoirs such as Chesterfield which is 40% full. Bear Lake's water level is up significantly from carryover and the wet spring. This is good for fish and for the farming community. The Commissioner reported on the recent incident at the Region's youth pheasant hunt. A dog handler was shot by a youth. Some volunteers who were present were EMTs, and they provided immediate assistance. The victim then suffered a heart attack at the hospital. The Department handled the situation well but should review its procedures for youth activities and the safety precautions. The incident also brings up the question of the age limit for youth. Chairman Gibbs mentioned some pictures on the Internet of a shooter bull operation in Soda Springs where a hunter harvested an elk that was 504 on Safari Club International measurement.

### Consent Calendar

05-61 Commissioner Watts moved and Commissioner Irby seconded a motion **TO ADOPT THE CONSENT CALENDAR WHICH INCLUDED MINUTES FROM THE AUGUST 29-30 MEETING THE FINANCIAL REPORT, AND BUDGET ADJUSTMENTS -- \$54,200 FOR A PRESCRIBED BURN ON CRAIG MOUNTAIN WMA AND \$11,800 FOR A BEAR FENCING PROJECT IN BOUNDARY COUNTY.** The motion passed unanimously.

### RULES

Dallas Burkhalter, Deputy Attorney General, presented the temporary and proposed rules adopted by the Commission. These need to be adopted as pending rules so that they will be reviewed by the Legislature in the upcoming session. If they are approved, they will become final rules.



**05-62 Commissioner Irby moved and Commissioner Watts seconded a motion TO ADOPT THE FOLLOWING PROPOSED RULES AS PENDING RULES:**

- 1) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0501
- 2) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals in the State of Idaho, Docket No. 13-0108-0501
- 3) IDAPA 13.01.10 Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife, Docket No. 13-0110-0501
- 4) IDAPA 13.01.17 Rules Governing the Use of Bait for Taking Big Game Animals, Docket No. 13-0117-0501

The motion carried unanimously.

**REPORTS**

**GTECH Update**

Jim Lau, Chief, Bureau of Administration updated the Commission regarding the Department's request for monetary compensation for lost sales revenue due to the failure of the license system over the Memorial Day weekend.

The Director sent a letter to GTECH asking for damages. Their response was that the system was not "down," just slow. The acknowledged that the Department may have lost some revenue but contend that most people came back and bought licenses later. Their counter offer was significantly less than what was requested and was based on three-day fishing license sales. They also said they would provide some funds for vendor good will. In order to recoup under liquidated damages, the Department would need to prove actual damages.

Since Memorial Day, there was a 14 hour downtime incident the day before the mule deer hunt opened. Computer reports did not show any problems. GTECH responded that the system was slow. It is important to address what "down" means in the next contract.

The contract with GTECH expires in December 2006, and an RFP is expected to be out for bid in about 3 weeks. Staff has visited other states including Oregon and Washington. Both have had RFPs recently and awarded contracts to Outdoor Central. We do not know if GTECH will respond to our RFP, which is currently being reviewed by the Department of Administration and will then go out for response. Mr. Lau commented that it would be to our advantage to have GTECH bid for competitive purposes.

Mr. Lau reported that other states do not fund the full cost of their systems. They recoup at least part of the system cost from transaction fees, or their vendors are required to purchase their own equipment. Most states also do not pay the full cost for the communications lines. Washington charges a 9% fee, part of which goes to vendors. Washington does not sell through its own offices, but strictly through vendors.

Mr. Lau provided the timeline and an overview of the evaluation process. The RFP will be released in about three weeks, and it will be open for approximately 30 days. It will then close, and written responses will be due within 30-45 days. A review team has been assembled internally and includes Virgil Moore, Jon Heggen, Craig Wiedmeier, and an internal user group who will score the proposals. The score is based 2/3 on performance and 1/3 on cost. The financial bid goes to Department of Administration, and the department does not see the bids. The Department then enters into contract negotiations with the vendor who is selected. In addition to the internal evaluation, there will be a meeting with persons of interest (users, legislators, etc.) to provide input. Once the scoring is done, the contract will be awarded by state Purchasing. The criteria and weighting factors are determined before the RFP is released. The Commission has a "go" / "no go" decision it can make, but the Commission cannot evaluate and vote among the proposals. A "no go" decision would mean starting the process over again.

In the last license system vendor selection process, there was an existing contract between GTECH and the state for the lottery system, and the decision was whether to piggyback with that effort. There was no RFP.

## **RULES**

### **Fishing Regulations 2006-2007**

Steve Yundt, State Fish Manager, presented the 2006-2007 Proposed Fishing Regulations. In early spring fish managers solicited input from anglers. The input was packaged, and proposed regulations were presented at the July meeting. The Commission gave permission for public scoping. Mr. Yundt provided Commissioners with the final proposals, an Addendum, a Summary of Public Input, and a copy of the regulation brochure with changes noted (pink items will be deleted/yellow items are changes). (Appendix 38, Exhibit 93)

Recommended changes are the same as those presented in July with the exception of:

- Statewide steelhead limits -- change fall limit to 2/6/20 in the Clearwater River only.
- Now proposing not to adopt the recommendation to prohibit the use of bait during the August – October 14 portion of the steelhead catch-and-release season. Staff will gather more information during the next 6-year Fish Management Plan development process.
- Now proposing not to adopt the recommendation to limit steelhead terminal tackle to one barbless hook with a single point, no larger than 5/8” from shank to point. This proposal was made to help control snagging activity, but it would likely not accomplish that result and would require legal anglers to change tackle.

Public input on the proposed regulations included public meetings, open houses, phone calls, a web survey, and a random mail survey.

Proposed changes in the walleye limits were based on issues with anglers illegally introducing walleye illegally into waters around the state. The purpose of the statewide change to go to no bag limit on waters that are not specifically managed for walleye are to get anglers to catch all they can. A year-long creel survey is ongoing for Salmon Falls Creek Reservoir to make informed proposals on that fishery.

05-63 Commissioner Watts moved and Commissioner Wheeler seconded a motion **TO ADOPT STAFF RECOMMENDATIONS AS PRESENTED**. The motion carried in a unanimous vote.

### **Fishing Contest Rules**

Fred Partridge, Resident Fisheries Coordinator, presented proposals for changes in the Fishing Contest Rules (Appendix 38, Exhibit 94).

Rule Item #1 to add the word “native” in the IDAPA rule to permit contest harvest of introduced trout in streams was proposed by the Department as an additional tool in the management of native trout species on the South Fork Snake River to reduce competition between introduced rainbow trout and native cutthroat trout. This tool could also be used in other streams to allow contests to harvest other introduced trout such as brook trout. Current rules prohibit allowing contests to harvest any trout in streams.

Rule Item #2 (Definition of Fishing Contests) is needed to correct a procedural error which occurred two years ago when Fishing Rules were last approved. At that time, this IDAPA Rule section was not properly notified to be opened for modification. The Commission had adopted this change in October 2003 and it was printed in the 2004-2005 Fishing Rule brochure.

Rule Item #3 would make clerical corrections and updates of the IDAPA code.

Fishing Contest Rules are not addressed on a regular basis. Scoping will be included in the angler survey as part of the Fish Management Plan development this next year. Clubs and groups who have written to the Commission will be contacted, and staff plans to develop some internal guidelines, brief the Commission, and determine if rule making is necessary. Statewide guidelines would then be included in the fish management plan. If the Commission wants to limit tournaments, it would be rule making and not simply a matter of Department policy as it affects the public.

05-64 Commissioner Watts moved and Commissioners Power and Irby seconded a motion **TO ACCEPT STAFF RECOMMENDATIONS ON CHANGES TO IDAPA 13.01.05 AS PRESENTED IN EXHIBIT 94**. The motion passed in a unanimous vote.

## **REPORTS**

### **Wolf Management Update**

Steve Nadeau, Large Carnivore Program Manager, provided an update on the Memorandum of Agreement with the US Fish and Wildlife Service (USFWS), the Department's application to land helicopters in the wilderness, and progress of the ungulate research study.

Mid-season estimates indicated 525 wolves in Idaho. The Tribe and the Department are reviewing the technique for population surveys. It has become more difficult to keep up with packs, especially in wilderness areas. They are looking at using known pack size and then estimating backcountry pack size and lone wolves. The Endangered Species Act (ESA) requires 30 breeding pair well distributed among Idaho, Wyoming, and Montana. The Idaho plan calls for a 15 pack minimum. Idaho currently has around 50 packs.

The MOA with the Department of Interior was stalled for several months. The Director heard that the MOA was signed, but the Department has not received anything official. Secretary Norton wants to come to Idaho to roll out the 10(j) authorities in coordination with Governor Kempthorne.

The Department's request to land helicopters in the wilderness ran into complications. There are two regions who manage the forests in the area. Region 1 has decided to do a full NEPA analysis. However, Region 4 has decided to continue to work with the Department on a smaller and more detailed proposal than the original. The Department will have people trained to dart and handle wolves on the helicopters. The hope is to be able to proceed this winter, and at this point, there is reason to be optimistic that the Department will be able to land in the wilderness.

Staff has drafted a proposal on wolf control based on the results of the ungulate study. Internal peer review has been done, and comments reviewed. After incorporating internal comments, the proposal will go out for external peer review prior to Christmas. After that, the proposal will be presented to the Commission and the public for comment. The Commission will decide whether to move forward with sending the proposal to the USFWS who will make the final decision on whether control efforts are justified.

At this point there isn't enough data to prove that wolves have an impact on ungulate populations statewide. There are areas where wolves may be affecting ungulate populations. Idaho does have an elk herd that is below objectives along with data to show that wolves have had an impact. The state has more deer and elk radio collared than anywhere in the world, and the Department is working diligently to get the data. The Department will continue its monitoring efforts and collecting and analyzing the data to show impacts. Most biologists believe that there is a harvestable surplus. However, the 10(j) requires the Department to evaluate in terms of impact on ungulates, and the data can be interpreted in more than one way. The Department will move forward with a proposal to control some wolves, but it is not clear whether the data will be enough to convince USFWS to grant authority.

The 10(j) amendment has very specific criteria, and the data needs to show that wolves are a primary limiting factor on ungulate populations. There is also competing data showing that over the last seven years, bears

and lions had more impact. The system is set up for checks and balances. The peer review panel is selected by the Department and includes professionals from Colorado and Idaho and a University professor from Montana. There are scientists who will disagree with the Department's opinion.

The Department needs to demonstrate refill rate to show that if wolves are taken out they will come back. There is a potential refill rate of 30%.

The Director commented that Idaho citizens are not satisfied with current wolf management efforts. However, Idaho has a listed population of wolves, and the 10(j) amendment is not an open permit to kill wolves. It very narrowly defines a steep burden of proof that must be met in order to control wolves. Staff is doing all they can to provide a solid justification for control action. The question is whether the Department's case showing cause and effect will hold up under peer review. The OSC, the Director, staff, sportsmen, and the Governor are putting as much social pressure on the USFWS and Department of Interior as possible. Montana and Idaho's plans reflect a fairly radical change for USFWS on how they deal with endangered species. The Idaho congressional delegation is aware of the issues. The Director told the Legislature that the Department would make the best biological case possible and would take full advantage of the authority granted by the federal government. Minnesota has 450 packs and has met delisting criteria for 15 years and can't get wolves de-listed. They have not been able to articulate prey population declines primarily related to wolf caused mortality. It is very difficult to prove cause and effect.

Commissioner McDermott suggested a Commission position paper on wolf management. Commissioner Watts suggested a political strategy plan to deal with the impasse over the data analysis.

Steve Nadeau passed out maps on grizzly bear de-listing boundaries (Appendix 38, Exhibit 95). This DPS designation has been in place for some time and becomes official when it is published in the Federal Register.

### **Fur Farm Legislation**

John Chatburn, Deputy Administrator for the Department of Agriculture, spoke to the Commission regarding proposed changes to the fur farm law. The bill would change the broad classification of fur farm animals to address furbearers such as skunks, fox, mink, raccoons, etc. which currently fall under the responsibility of the Department of Agriculture under the "any useful purpose" language in the current law. The change would make Department of Agriculture responsible only for commercial facilities. Responsibility for individual animals would come back to the Department who would permit those animals. This will put captive wildlife under the scrutiny of Fish and Game rather than Department of Agriculture. Department staff will work on this legislation with Department of Agriculture who will be the primary sponsor.

Mr. Chatburn reported to the Commission that brucellosis was identified in a Swan Valley cattle herd. At this point, there is no indication there was contact with any other cattle. The initial finding is that this was caused by a wildlife exposure. There are approximately ten animals left to trace to determine if they are still alive. Thus far, they have found one animal that tested as a suspect. If it tests positive, Idaho will lose brucellosis free status. There will be intense pressure on feeding. The Department of Agriculture is planning to talk to ranchers in Swan Valley about fencing in areas where they feed cattle in the winter and about renewed efforts to fence haystacks so that elk cannot get in. They also want to discuss with Fish and Game the potential to stop the feeding program at Rainey Creek. The strain of brucellosis was the same as that documented in eastern Idaho elk. It cannot be proved that elk have positively infected these cattle. Fish and Game staff has been very cooperative in working with Agriculture on this outbreak and the issue in general.

## **RULES**

### **Non-resident Deer and Elk Tag Quotas and Outfitter Set-asides**

Brad Compton, State Big Game Manager, presented the Department's recommendation for nonresident deer and elk tag set asides and quotas and outfitter allocated tags in capped elk zones in March. The non-resident elk tag quota has declined. Last year, Selway B elk tags sold out before Northern Idaho vendors opened. This year, the Department plans to offer Selway B elk tags starting at 10:00 a.m. Mountain Time on December 1.

05-65 Commissioner Irby moved and Commissioner Watts seconded a motion **TO ADOPT AS TEMPORARY RULES FOR THE YEAR 2006, RULES GOVERNING LICENSING, IDAPA 13.01, CHAPTER 04, RULE 500, NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE AND RULE 600, NONRESIDENT DEER AND ELK TAG QUOTAS:**

Tag Type	Non-Outfitted	Outfitted	Total
Regular/White-Tailed Deer	10,900	1,900	12,800
Southeast Deer	1,115	85	1,200
Total Deer	12,015	1,985	14,000
Total Elk (All Zones)	10,415	2,400	12,815

The recommendation is no change from 2004.

**The motion carried in a unanimous vote. THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED BY THE LEGISLATURE AS PERMANENT RULES.**

#### **Access Yes Drawing Applications**

Brad Compton presented an update on the Access Yes! program (Appendix 38, Exhibit 96). Most of the original 30 landowners who enrolled in 2003 are still in the program. It is working and is appreciated by landowners and sportsmen. It is distributed around the state, but the greatest amount of participation is in the Magic Valley Region. Some funding comes from general license revenue some and some from the expendable depredation account. The remainder is proceeds from the SuperHunt Drawing. It is a special controlled hunt for 40 tags (deer, elk, pronghorn, and moose). There are 2 drawings each year.

This past year the Department used a marketing strategy, which included TV and radio ads to hit peak periods. There was a targeted mailing of postcards sent to past participants and those who applied for trophy units. Application fees were reduced for 2005 to put them below price thresholds. The Department experienced a major increase in 6-packs and a decrease in combo offerings. There were lessons learned that will be used to refine marketing efforts going forward.

Due to the change in application fees, the Department lost approximately \$15,000 in revenue for 2005 when purchasers realized that the cost of two 6-packs and a single was less than the cost of a 13-pack. The Department is asking the Commission's permission to adjust the application fees. This requires a Commission Order which the Director will sign as Secretary.

05-66 Commissioner Watts moved and Commissioner Wheeler seconded a motion **TO HAVE DIRECTOR HUFFAKER EXECUTE AN ORDER TO EFFECT THE RECOMMENDED CHANGES.** The motion carried in a unanimous vote.

	Current	Proposed	Change
1 Super Hunt	\$4.95	\$6.25	+ \$1.30
6 Super Hunt	\$19.95	\$24.95	+ \$5.00
13 Super Hunt	\$49.95	\$49.95	0
1 Super Hunt Combo	\$19.95	\$19.95	0
6 Super Hunt Combo	\$99.95	\$99.95	0
13 Super Hunt Combo	\$199.95	\$199.95	0

## **REPORTS**

## **LAP Update**

Steve Elam, Landowner/Sportsmen Coordinator, Magic Valley Region presented information on the Landowner Appreciation Program to address some questions from the review subcommittee (Appendix 38, Exhibit 97).

Mr. Elam provided statistics and details on oversubscribed hunts, distribution of unclaimed LAP tags, drawing frequency of landowners in oversubscribed hunts, and options to increase harvest of antlerless animals on private lands.

Commissioner Gibbs commented that he would like to address the equity issue so that some landowners aren't drawing twice before others have drawn once. Mr. Elam pointed out that cow hunts are undersubscribed, and the Department has tried to encourage cow harvest. The landowner permission hunts with leftover tags has appeal to increase cow harvest. The Department has the ability to be more liberal with antlerless permits because there is not high demand for these hunts. These permits may go to those who are looking for the meat. Landowners with depredation issues welcome the changes. Other landowners have bought large holdings as personal hunting areas.

The depredation law has a requirement to allow reasonable public access if it doesn't impact the landowner's operation in exchange for tags. If landowners have depredation problems, they need to allow hunting unless there is livestock or human safety issues. They can have special depredation hunts set up for cow permits. These are normally set up for small pieces of ground, and landowner permits are allowed for that land in the unit. The option of allowing leftover LAP hunts would not necessarily need to meet the 640 acre requirement. Landowner permission hunts would provide opportunity by allowing landowners to get additional antlerless tags.

Commissioner Wright provided an update on the subcommittee working on small and large landowner LAP issues. The group met in late September and on October 18 to discuss the issues. They have a broad outline now and have discussed many different things including combining LAP with Access Yes. Under statute, the Department has 25% of the tags to allocate. Extra tags could be used for Access Yes. The group does not have an implementation plan yet. They would like to do some focus groups including landowners, sportsmen groups and legislators. They plan to bring back a final report in January.

## **Bonus Points Survey Results**

Brad Compton provided a summary of public input on the survey regarding a potential bonus point system (Appendix 38, Exhibit 98). He recognized Bruce Ackerman Wildlife Statistician, and Summer Crea, office specialist, for their work. The Department sent out 1,600 random surveys from controlled hunt applicants and posted the survey on the website, which generated a significant response. Dr. Larry Gigliotti reviewed the survey to ensure the questions were crafted to address the issues intended.

The majority of respondents were residents in the 41-60 year age group. The respondents were relatively evenly distributed between rural and urban areas. The majority were in the middle income bracket and were not members of a sportsmen's organization. Respondents who were randomly selected were more neutral in their responses. Those in the web survey were more opinionated. Most results fell in the neutral range. The strongest positions included support for giving unsuccessful applicants improved chances, opposition to purchasing points, opposition to higher fees for some hunts, opposition to increasing the wait period to 5 years, and opposition to an increase in application fees. Overall, more respondents are satisfied than dissatisfied with the current system. The results did not indicate a clear mandate for change. Mr. Compton provided Commissioners with the full results of the survey (Appendix 38, Exhibit 99).

Mr. Compton provided Commissioners with a suggested alternative that could be implemented in the current system to increase odds without cost. It would involve carrying over an unsuccessful applicant's name one year and increasing the wait to two years for successful applicants. Mathematically this would provide an

increase in the chance to be drawn, and it could be easily implemented. The system would be revenue neutral to the Department.

Commissioner Wright commented that people don't ever want to pay more for anything.

Mr. Compton shared statistics from the Nevada Department of Wildlife showing that in some hunts people with fewer points will draw before those who have been in the pool longer.

Commissioner Watts commented that the Department should not move forward with a system unless it is sure that customers want the system.

Another party may bring forward legislation on a bonus point system. This issue came before the Commission because other legislation was drafted last year and then held in lieu of the Commission addressing the issue. The Department does have a pending legislative proposal to give the Commission authority to charge a nonrefundable fee for a controlled hunt permit. However, the Department would have to go back to the Legislature with a separate fee bill.

Commissioner Wright noted that the Department has not asked for public input on the option suggested by staff. The Director noted that this agenda item is not noticed, and any motion would be for intent only.

05-67 Commissioner Watts moved and Commissioner Power seconded a motion **TO ADOPT A STRATEGY TO IMPROVE HUNTERS' CHANCES OF DRAWING IN CONTROLLED HUNTS BY IMPLEMENTING A SYSTEM THAT CARRIES OVER AN UNSUCCESSFUL APPLICANT'S NAME ONE YEAR AND INCREASES THE WAITING PERIOD TO TWO YEARS FOR SUCCESSFUL APPLICANTS.**

Commissioners discussed scoping the alternative option with the public and comparing those results with the bonus point survey results. They also discussed the potential that the Legislature could tell the Department to implement a bonus point system but not approve an increased fee. The money would then need to come out of the Department's budget. Any system would need to be revenue neutral.

Commissioner Watts withdrew his motion and Commissioner Power withdrew his second.

Deputy Attorney General Dallas Burkhalter clarified that we have not notified the Governor's office of any rule-making motion. The item would need to come back to the Commission as an action for rule making in January after it was taken to the public for input.

Brad Compton commented that staff did not get the clear cut results and so spent time looking at alternatives. Staff has done lot of work to find out what the public really thinks of a bonus points system. The results of the survey showed most people are in the middle on the issue and there is no clear mandate.

05-68 Commissioner Wright moved and Commissioner Irby seconded a motion **TO PROCEED WITH A BONUS POINT SYSTEM. FUNDING AND/OR VOLUNTARY COMPLIANCE TO BE DETERMINED.**

The Chairman clarified that this motion would be an up or down decision on whether to have a bonus point system. The Commission would need to revisit the issue at the January meeting as to the specifics on the system.

Commissioner Watts offered a substitute motion.

05-69 Commissioner Watts moved and Commissioner Power seconded **TO DIRECT STAFF TO PUT TOGETHER PROPOSED RULES THAT WOULD ALLOW THE DEPARTMENT TO ADD ADDITIONAL OPPORTUNITY FOR INDIVIDUALS IN THE SECOND YEAR WHO WERE UNSUCCESSFUL IN THE FIRST YEAR AND THAT SUCCESSFUL APPLICANTS WOULD SIT**

**OUT TWO YEARS WHO DREW AN ANTLERED SPECIES AND BRING THAT BACK IN JANUARY.** Ayes: Power, McDermott, Irby, Watts. Nays: Wright, Gibbs, Wheeler. The substitute motion prevailed.

Commissioner Watts commented that he was attempting to capture staff's suggested alternative.

### **Non-biological Rules Issues Scoping**

Brad Compton, State Big Game Manager, provided a list of issues that may be considered in January.

- Ban on computer-assisted hunting
- Outfitter allocation – staff will work with IOGLB and IOGA to streamline controlled hunt allocation.
- Caliber restrictions – Idaho is one of only a few states that doesn't have a caliber restriction.
- Southeast non-resident tags – moving this back to first come-first served to simplify the system.
- Deer elk/antelope fall application period – looking at moving this to eliminate the conflict between Memorial Day weekend fishing license sales and the controlled hunt application deadline.
- LAP permit allocation – placeholder for anything that may come out of the Commission's work on LAP.
- Bonus point system options

Commissioner Gibbs has a constituent who has concerns about falconry regulations. Mark Gamblin will discuss with Commissioner Gibbs.

Commissioner Irby expressed concern about caliber size and commented that there is a lack of consensus on this issue.

### **Mule Deer Initiative**

Brad Compton showed the Commission the Department web site on the Mule Deer Initiative (<http://fishandgame.idaho.gov/cms/hunt/mdi/>). 764 people are on the list to receive email updates on MDI.

Toby Boudreau, Mule Deer Initiative Coordinator, presented a progress report on the MDI (Appendix 38, Exhibit 100). He also provided Commissioners with a final draft of the Action Plan (Appendix 38, Exhibit 101).

Habitat projects have included interseeding CRP, aspen treatments, winter range mapping, and an MDI Project tour. Population projects included check station efforts and coyote control. The budget for coyote control is \$50,000 and is focused on mule deer fawning areas during the first week in June.

Recent communications efforts included a five-part TV series, news releases, and displays at area fairs. Enforcement has initiated a project to address large buck illegal harvest. Additional efforts included higher intensity patrolling in MDI focus area and making deer hunter contacts.

Through the Access Yes program landowners are being identified in areas where access through private property would enhance uses of some federal public lands.

Future plans include seedling plantings and large shrub planting, coyote control in Regions 5 and 6, finalization of MDI Action Plan, and additional surveys and fawn monitoring.

Mr. Boudreau noted that a study will be conducted with Dr. John Kie at Idaho State University on the interaction between elk and deer. It will include looking at different options for competition relief. Mr. Boudreau will be involved with the research effort and will keep the Commission informed.

Dr. Unsworth commented that the MDI is on the ground action, and we will measure success by what hunters tell us and how many deer are on the hill. People are recognizing and appreciating what the Department is doing. The education process has been important.



The Commission thanked Mr. Boudreau for his efforts, and the Chair reaffirmed their support and willingness to help with the MDI effort.

### **Executive Session**

05-70 Commissioner Watts moved and Commissioner Irby seconded **TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67 2345(1)(b) (f) and (c) PERTAINING TO PERSONNEL, LITIGATION, AND LAND ACQUISITIONS. The motion carried in a unanimous vote.**

### **RECESS**

The Executive Session ended at 7:40 p.m. No action was taken.

### **November 18, 2005**

Chairman Gibbs called the meeting to order at 8:03 a.m. Commissioners Irby, McDermott, Power, Watts, Wheeler and Wright were present

## **MISCELLANEOUS**

### **Commission Meeting Calendar for 2006**

The Commission set the following dates for the 2006 meetings: January 11, 12, 13 in Boise; March 8, 9, 10 in Boise; May 17, 18, 19 in Coeur d'Alene; July 12, 13, 14 in the Upper Snake Region (exact location to be determined); August 7 and 8 in Boise; November 15, 16, 17 in Lewiston; and December 7 conference call.

### **Process for Handling Commission Correspondence**

Commissioners discussed the Director's guidelines for handling correspondence to the Commission and to individual Commissioners (Appendix 38, Exhibit 102). Commissioners will work through their Regional Supervisors on local issues. Commissioners discussed the need to make the contact personal on some issues and with certain constituents. They discussed the protocol for answering correspondence from legislators and members of Congress. Department staff can assist Commissioners with handling correspondence with elected officials.

## **REPORTS**

### **Conservation Reserve Enhancement Program (CREP) Update**

Chairman Gibbs reported the he and Director Huffaker met with Randy Budge, habitat coordinator for Pheasants Forever, in Pocatello. Mr. Budge has done habitat restoration projects and has been working on acquiring water rights that people are willing to sell or lease. He has organized a local chapter to get a unified effort to enhance seeding efforts on CREP land. The Chairman provided an email from Mr. Budge on his efforts (Appendix 38, Exhibit 103).

The Director explained that the concept involves using CREP land to help solve water shortage problems in the Magic Valley and Upper Snake Regions. The Department has been asked for money to match federal funds to dry up farm ground and make it wildlife habitat. Staff has worked with NRCS and water users to identify acres, what kind of ground, and if our money would help create permanent wildlife habitat. This depends on soil and water as to what kind of vegetation can grow there. Water users have secured \$5 million in state match through the legislative process which is sufficient for the need. The Department's role is to

use HIP money and some HB530 funds to upgrade seed sources and types of materials to fit the site. The Department probably won't get tracts of land that will have a water source. Most of it will be outlying land. The question is whether it can be sustained long-term.

The CREP concept may be a tool for the mule deer initiative. If the agricultural community and the Department can present a unified front to the Congressional delegation, it may be possible to get more funding.

### **WMAs and Lands Committee**

Chairman Gibbs directed a subcommittee of Commissioners Watts, Irby, and Power to address the policy level questions discussed in the workshop on November 17. Deputy Director Mansfield chairs the Lands Committee within the Department and will provide information to the Commission at the workshop in January.

### **Gold Creek Land Acquisition**

Gregg Servheen, Program Coordinator, presented staff recommendation to acquire 310 acres in Gold Creek in the Pend Oreille sub-basin (Appendix 38, Exhibit 104). This is forested wetlands, river front, and wildlife habitat. The Bonneville Power Administration (BPA) mitigation program, Albeni Falls project, will purchase the property and provide for operations and maintenance funding of the parcel. The purchase price is \$2,325,000. Acquisition of the parcel will mean the Department will pay \$1,100 in fee in lieu of taxes (FILT) payments to Bonner County. FILT payments are budgeted under the Director's office and paid with license dollars. There is no management plan for Gold Creek yet. But, it will be completed upon acquisition and it will be managed under the umbrella of the Pend Oreille WMA. Pend Oreille WMA does experience significant public use. This is good wildlife habitat and will provide for public access needs. There may be additional opportunities for wildlife habitat protection with adjacent landowners who are interested in easements.

The Director commented that when Albeni Falls Dam was built, it wiped out wildlife habitat in Idaho. Through the mitigation process, BPA and the Department have agreed to mitigate for those losses. They pick a suite of wildlife species, determine habitat needs, and break them up into units and agree upon the debts to be paid by BPA for the loss to fish and wildlife habitat. The loss assessment is agreed on by the Department and BPA.

The Chair commented that the Department acquires ground based on the mitigation process, and the Department needs to educate Legislature as to how this process works. If the Department did not acquire these mitigation lands, they would be offered to the Tribes.

Commissioner McDermott commented that the Gold Creek property is wintering ground for several species and is a prime piece of habitat for white-tailed deer and turkey and will provide access to Sand Creek.

This proposed acquisition has been presented to Bonner County Commissioners, and area legislators have been briefed. They are not opposed. The deal is ready to close soon.

05-71 Commissioner McDermott moved and Commissioner Irby seconded a motion **TO ACQUIRE THE GOLD CREEK PROPERTY**. The motion carried unanimously.

### **Non-resident Deer Tag Update**

The Director reported on an email from Craig Wiedmeier, License Section Supervisor, dated November 18 at 9:22 a.m. Non-resident deer tags are sold out. There will likely be numerous non-residents who try to purchase a deer tag over the counter.

### **Recruitment and Retention**

Roger Fuhrman, Chief, Bureau of Communications, reported on the Department's efforts to recruit and retain anglers (Appendix 38, Exhibit 105). The Recreational Boating and Fishing Foundation (RBFF) has pledged \$50,000 per year for the next few years to work with the Department on aquatic education.

Since 1996, the Department's license sales have been around 350,000 total resident hunting and fishing licenses. At the same time, Idaho's population has increased significantly, thus per capita license sales have gone down significantly which impacts the Department's revenue.

Roger showed a PETA ad built around the concept that fish are friends not food. While the Department is trying to promote hunting and fishing, other groups, such as PETA are trying to do the opposite. As hunting and fishing participation declines, arguments such as PETA's will be increasing perceived as mainstream.

In order to reverse the decline in participation and license sales, the first step was to look not just at total number of license sales, but at individual sales. Some interesting trends were identified:

- Repeat license sales peaked in 1996.
- Since then, there has been a significant attrition rate, and new angler recruitment has not kept pace.
- There is a 20-60% drop out rate, with the highest drop out rate seen in women under the age of 24.
- The lowest drop out rate is in men over 45.
- Recent and repeat customers have a higher renewal probability.

Three segments were identified that comprise the Department's license base: 1) Those who renew year after year, 2) Lapsed anglers, and 3) New recruits. Each of these segments requires a different strategy, so the initial effort targeted lapsed anglers.

RBFF researched what might influence how people spend their free time. An appeal from a kid can be the most effective. Mr. Fuhrman showed one of the ads created by RBFF that targets lapsed anglers to convince them to take up an activity they enjoyed as a child and pass it on to their children. Studies show that if a child is introduced to fishing before age 13, they are more likely to continue as adults. The advertising images were provided to agencies and industry suppliers.

The major part of the effort was a direct mailing targeted at lapsed anglers, mainly males ages 25-54. They were broken into two groups – those who bought their last license in 2003, and those who bought a license at least twice between 1998 and 2003. A third group was licensed male anglers that had a lapsed female angler in the household. The mailing was focused on the Southwest and Panhandle Regions. The Department sent 25,000 postcards, ran radio and TV advertising, and produced a news series promoting fishing. Two television news series were created by the Department.

There were varying degrees of results with each of the three groups. Results for lapsed female anglers were not as good. All target groups outperformed the control groups. Results were good in the Southwest Region. The cost for the effort was \$18,000 which resulted in 1,651 license sales or revenue of approximately \$40,000. The biggest cost was the direct mailing.

Lessons learned from the effort include:

- Recruitment and retention efforts work
- The more focused the effort, the better the results,
- Recruitment and retention efforts pay for themselves.

Virgil Moore, Chief, Bureau of Fisheries, commented that while license sales have gone down, individual angler effort has increased. The Department is selling fewer licenses, but buyers are using their licenses more. Total effort and spending is up. The Department is seeing the group of casual anglers dropping out.

Mr. Fuhrman asked for the Commission's endorsement to use the recruitment and retention tools that work to increase hunting and fishing participation in Idaho. The Commission concurred with that direction.

## **License System RFP**

Director Huffaker noted that if the Commission wants to have input on selection criteria in the license system RFP it will need to happen by December 5. Jim Lau will send the package to Commissioners who can then call the Director or Mr. Lau with comments or questions. If a conference call is necessary, one can be scheduled.

## **Legislative Session Update**

Sharon Kiefer, Legislative Liaison, provided an overview of the legislative process which incorporates the guidance provided by the Commission at the July meeting as shown in the shaded areas (Appendix 38, Exhibit 106).

The proposal incorporates the legislative subcommittee into the process. The regularly scheduled conference calls will be noticed, but the subcommittee communications do not need to be noticed. The Legislation Analysis Form will be used to assist in briefing Commissioners on legislation and to articulate the Commission's position on Legislation. Email updates will be provided as needed.

The Director and Ms. Kiefer need to know how to handle questions and have direction from the Commission on legislative issues. It is up to the Commission whether they take a position on legislation. The weekly conference calls are to ensure that Commissioners are informed and have a chance to discuss legislation.

Commissioner Wheeler commented that the Commission should be careful about taking a position too early as legislation can change overnight. He suggested using the analysis sheet more as an information tool. Ms. Kiefer commented that the Department will keep Commissioners up to date as legislation changes and developments occur. Commissioner need to have flexibility as issues develop.

Commissioner Watts clarified that the legislation analysis sheet would be subject to public disclosure. He suggested deleting the section on Action/Consequence if Bill Passes/Fails as well as Commission Position.

The Commission agreed on weekly conference calls and email updates as necessary. They asked to be copied on internal staff emails regarding legislation as well.

The Chairman confirmed that Commissioners Wheeler, Watts and Wright are the current legislative subcommittee.

Ms. Kiefer provided a recap of the Department's proposed legislation regarding a bonus point system and how permits to long-term care facilities are administered. Jim Lau has submitted all budget information to the Division of Financial Management.

As a result of HB300 last year, all agencies were asked to put together an agency profile. The Department Profile was complete, and a copy was provided to Commissioners (Appendix 38, Exhibit 107).

The Department has agreed to sponsor a legislative intern through Meridian School District.

Commissioner Wheeler commented that there will likely be legislation brought forward on a bonus point system, and the Commission needs to consider whether to have input on that legislation.

The Director suggested summarizing the Commission's discussion on bonus points and providing that along with the survey results to Representative Mike Moyle and the chairs of the Germane Committees. He will draft a cover letter and results of survey and circulate to the Commission and let them know where we are in the process.

The Director read an article from the day's *Idaho Statesman* that indicates the Commission approved a plan to provide better odds for unsuccessful controlled hunt applicants. The Commission clarified that the bonus

points issue will be revisited in January, and that the Commission did not reject a bonus point system in yesterday's meeting. Commissioner Watts' motion was to bring back information on other options after getting public opinion. The bonus point system is still on the table. Commissioners discussed the misunderstanding about the intent of the motions made the previous day.

Dr. Unsworth suggested scoping three options – no change, staff's alternative option, and the bonus point system as surveyed.

Commissioners discussed the need to have a cost estimate for a bonus point squared program. Mr. Lau clarified that Nevada charges \$10.00 for their system, but the cost is approximately \$6.00.

The Chair directed staff to scope three options:

- A plan to carry over an unsuccessful applicant's name a second year and increase the wait for successful applicants to two year.
- A Bonus Point Squared System with a \$6.00 cost and everyone pays.
- No change to the current system.

The Chair directed Commissioner Wheeler, Watts, and Wright to approve the format of the survey before it is sent to the public.

### **Disabled License Subcommittee Update**

Commissioners Wright and Watts met with a group of people who have disabilities or represent groups who have disabilities. The overriding policy decision is whether the Department should provide reduced cost licenses based on disability and the resulting reduced opportunity or should provide the discount based on disability coupled with financial need. The group agreed that the Department's current policy of using SSI, SSDI or RR retirement criteria to determine eligibility should remain unchanged. This avoids the issue of the Department becoming involved in the disability determination processes. The advocates representing the disabled felt that if people can afford to pay, they should pay.

Commissioner Watts read a dissenting opinion from Steve Imlay:

"This is the minority opinion of the subcommittee set up to look at Idaho Fish & Games regulations for the handicap hunting & fishing license.

The question is why does Idaho Fish & Game choose to punish the handicapped that don't qualify for SSI /SSD and also the handicapped that choose to work and are not on SSI/SSD."

The group also discussed how to make it easier for those who qualify to get a disabled license. The Committee agreed to:

1. Create a designator for an individual in the system so that any vendor would know that individual qualifies for that license—without the individual being required to go to a regional office.
2. Allow these individuals to keep that designator for a four year-period instead of re-certifying annually.

Discussion then expanded to the following topics:

- Shoot from a motorized vehicle permits and the need for better information on who to call at a Regional office so that the individual can have a gate open. The Department is working on a list of these opportunities for the web site.
- In the statute on disability related issues, the Department has reduced prices for tags for a segment of the population that has a certain characteristic – disabled vets, juniors, seniors. This does not extend to those who qualify for a disabled license. The Department may want to look at providing these depending on the cost. The revenue loss from providing reduced tags to those who qualify for a disabled license would be \$37,260.
- The Department received kudos from the subcommittee with respect to the adaptive accommodations (shoot from the vehicle, access behind closed gates, crossbow for archery).

The Director suggested flagging those who are permanently disabled so they do not need to recertify for a “shoot from a motorized vehicle” permit.

The subcommittee’s recommendations need to be communicated to Senators Sweet and Keough and Representative Eskridge. The Director will draft a letter and copy Commissioners.

### **Election of Commission Chair and Vice Chair**

[A full transcript of this agenda item is included at the request of Commissioner Watts.]

Chairman Gibbs (Gibbs): What procedure would you folks like to use? To do this process, do you want to have a nominating procedure or do you want to have a secret ballot. What’s the pleasure of the Commission?

Dallas Burkhalter: You can’t have a secret ballot.

Commissioner Power (Power): I think it’s going to have to be a nomination. I know there’s been some concerns with this last year when John was up for chair and then ended up staying as vice chairman. Some of those concerns still remain with myself and some of the other Committee members – perceived conflicts. I believe John’s an invaluable member of the Legislative Committee and this Commission and that sort of thing, I don’t think it serves the Commission best for you to be Committee Chair, and I would nominate Cameron Wheeler as Chair and Wayne Wright as Vice Chair. [recorded as motion 05-72]

Gibbs: Do we have a second to that motion?

Commissioner McDermott: I would second that.

Gibbs: You’d second that motion? Do ... I guess we vote that motion up or down. If it passes or fails, then we’ll go somewhere else if it fails I guess would be the procedure. Any discussion of the motion?

Power: ... part of it Alex and I were talking about as well so with that ...

Gibbs: Call for question on the motion. All those in favor of the motion say “Aye.”

Power, McDermott, Wright, Wheeler: Aye.

Gibbs: Anyone opposed to the motion?

Commissioner Watts: No.

Gibbs: One no. The Chair votes “Aye.” The motion carries. The plan has been several different ways of doing this. With your expertise and experience seriously, not making light of that, I would anticipate passing the gavel at the first of the session of the first meeting in January. In terms of the agenda, those items I would expect you to Chair the meeting and prepare those items, and I would like staff to be aware of that and work with Commissioner Wheeler and Commissioner Wright as they assume the Chair and Co-chair. I think in lieu of this, also, the Legislative Committee for the 2006 legislative session should be made up of Commissioner Wheeler, Commissioner Wright, and Commissioners Watts, and I would be more than happy to help on anything you want done or if you are unable to attend. Obviously, we anticipate that my term is going to expire in June, and I would be happy to work on those kind of assignments you think I can be valuable on but you folks should be the leadership of the Legislative Committee would be the way I would see that. If anyone has different thoughts, I’m certainly open to those at this point in time.

Watts: Mr. Chairman, I guess I don’t know if I have any thoughts, I’m just fascinated that you’re all worried about my conflict being Chair of this Commission yet you all cite the need to use my, because of my access to the Legislature, you cite the need to have me on this Committee because of my access to the Legislature.

That's sort of schizophrenic, perhaps even contradictory, and I'm disappointed that we're going this route because for years we've had the Vice Chair has always become the Chair, and I don't know what's so different now as opposed to then, so ...

Gibbs: In commenting to that, my comment would be, I think that we, I personally, this is Marc Gibbs personally as a Commissioner, want you on the Legislative process, Legislative Committee, not because of your access, to the Legislature. That is not at all why I want you there. I want you there because of your knowledge of the legislative process, not your access, and I personally view, maybe your access, to the Legislature as part of the problem. But your knowledge of the legislative process is invaluable and that's from a personal standpoint. That's why I want you on the legislative team not because you have access to those folks, but your knowledge of the process. I think there is real difference between the knowledge and the access just from a personal standpoint. I don't know if someone else cares to comment on that but that's my personal view.

Watts: I appreciate that Mr. Chairman. I guess I would be curious to know how my access has affected, in a negative way, this Commission or this Department. Obviously, someone thinks it has, and I don't need to know who thinks it has, but I would like to know what's happened so I might improve that if that is a real issue.

Gibbs: I think the only thing I can say is the only thing I said earlier to you at the coffee break is that I think we all need to be very aware of where we have the potential for conflict, and I think it's hard for people to distinguish when you are Commissioner Watts and when you are lobbyist Watts particularly during the legislative process. I think it is a very difficult issue, and I think we just need to be very aware of it.

Watts: That isn't what Representative Stevenson told us in Soda Springs. He acted very differently. I believe he praised us and praised me as being able to draw that line, and I don't point that comment at you, Mr. Chairman, I point that comment at everyone who thinks there's some issue or problem, be that staff, be that Commissioners, be that external audiences. We don't need to debate it. I'm disappointed, obviously, I'm disappointed and ...

Gibbs: We understand that.

Watts: and I'm glad I'm not the Vice Chair anymore. No sense sitting here if I'm never going to have the chance to lead the Commission. We'll go on and do what we do; do the best for the sportsmen and wildlife of the state.

Gibbs: We have a couple other agenda items.

### **Appointment of Commission Representative to WAFWA**

Director Huffaker clarified that while the Commission need to have a representative who commits to attending the winter and summer meetings, that does not preclude any or all Commissioners from attending. The winter meeting is in San Diego, January 6, 7, 8, and the summer annual meeting is July 21-27 in Bismarck, North Dakota.

Commissioner Watts is the current representative to WAFWA. The Chairman asked Commissioner Watts to continue in that capacity.

The meeting was adjourned at 12:15 pm.